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CENTRAL FAX CENTERPatent Application Serial No. 09/800,240
Attorney Docket No. 057909-011000

NOV 29 2006

REMARKS

Claims 1, 4, 7-8, 11-12, 19 and 21-25 are pending. In addition, claims 2-3, 5-6, 9-10, 13-18 and 20 are canceled. By this amendment, Applicant has amended independent claims 1, 19 and 23-25 and cancelled dependent claim 20. No new matter has been introduced in the amendments, as described hereinbelow.

Applicant has amended claim 1 by deleting the article "a" from the phrase "capsid protein in a solution" at line 3 of the claim.

The conjunction "or" found in between the terms "assembly" and "maturation" at lines 2 and 13 of claim 19, lines 2 and 13 of claim 23, lines 2 and 10 of claim 25, has been replaced by "and."

Other claim revisions include the following: (1) the term "providing" has been replaced with the term "maintaining" at line 3 of claims 19 and 23; (2) the term "high" has been inserted before the phrase "salt solution" at lines 5 and 6 of claim 19 and at line 5 of claim 23; and (3) the phrase "and wherein the final concentration of said high salt solution is at least 1 M sodium salt" has been incorporated after the phrase "said molecule of interest" at line 7 of claims 19 and 23.

Applicant has cancelled claim 20 and its recited elements have been incorporated into the subject matter of claim 19.

In claim 25, Applicant has also amended the claim by introducing another step, i.e., "maintaining an HIV capsid protein (CA) in a solution" prior to the mixing step. In addition, the phrase "mixing a solution comprising an HIV capsid protein (CA) with a salt solution" has been replaced with the phrase "rapidly mixing said solution comprising said HIV CA protein with a high salt solution" at line 3 of the claim.

The amendments to the claims are supported by the entire specification, particularly at pages 5 and 18-19 of the specification. Applicant respectfully submits that the above amendments do not introduce new matter. Accordingly, Applicant respectfully requests that the Examiner enter these amendments.

Claim Objection

The Examiner objected to an informality referenced in claim 1 and its dependent claims 4, 7-8 and 11-12. The informality has been corrected by the elimination of the

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indefinite article "a" at line 3 of claim 1. Amended claim 1 now references "a human immunodeficiency virus type 1 (HIV-1) capsid protein in solution."

Based on the foregoing, Applicant respectfully submits that this objection is rendered moot. Accordingly, reconsideration and withdrawal of this objection is, earnestly requested.

Rejection Under 35 U.S.C. § 112 (First and Second Paragraphs)

At pages 1-3 of the Office Action, the Examiner rejected claims 19-25 under 35 U.S.C. §112, first and second paragraphs, for being non-enabling and indefinite. Applicant respectfully traverses these rejections.

With respect to the non-enablement rejection, the Examiner asserted that two components are missing in the claim language of method claims 19-25. These components include (1) the CA protein must be kept in a "soluble" form to facilitate the assembly process; and (2) the CA protein must be diluted into a high salt solution to trigger capsid formation. For reference, Examiner Parkin directed the Applicant to pages 5 and 18-19 of the specification.

As for the indefiniteness rejection, Examiner Parkin regarded the phrase "salt solution" in claims 19, 23 and 25, as relative and failing to clearly set forth the metes and bounds of the claimed invention. More specifically, these method claims are incomplete because, according to the Examiner, a positive step in the capsid assembly reaction has been omitted. The Examiner also stated that the required method step relates to the "dilution of the polypeptide in a high salt solution wherein the final concentration of said salt solution is at least 1 M sodium salt."

To obviate the above-mentioned rejections and advance allowance of this application, Applicant has revised claims 19 and 23-25 according to the Examiner's recommendations. In addition, the recited elements of canceled dependent claim 20 have been incorporated into independent claim 19.

In light of the aforementioned remarks and claim amendments, Applicant respectfully submits that claims 19-25, are enabled and definite. Reconsideration and withdrawal of these rejections based on section 112, first and second paragraphs, are earnestly requested.

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CONCLUSION

For at least the reasons set forth above, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance of the claims are earnestly requested. A fee for a one (1)-month extension of time is due for filing this response. The Commissioner is hereby authorized to charge any payment deficiency to Deposit Account No. 19-2380 referring to attorney docket number 057909-011000.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

Dated: November 29, 2006

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